

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMO DEVELOPMENT, LLC,)
AMO MANUFACTURING USA, LLC)
and AMO SALES AND SERVICE,)
INC.,)
)
Plaintiffs,)
) C.A. No. 20-842 (CFC) (JLH)
v.)
)
ALCON VISION, LLC,)
ALCON LABORATORIES, INC. and)
ALCON RESEARCH, LLC,)
)
Defendants.)

ALCON INC., ALCON RESEARCH,)
LLC, and ALCON VISION, LLC,)
)
Counterclaim Plaintiffs,)
)
v.)
)
AMO DEVELOPMENT, LLC,)
AMO MANUFACTURING USA,)
LLC, AMO SALES AND SERVICE,)
INC. and JOHNSON & JOHNSON)
SURGICAL VISION, INC.,)
)
Counterclaim Defendants.)

**PLAINTIFFS' DAUBERT MOTION (NO. 1) TO EXCLUDE
DR. STEPHEN WICKER'S OPINIONS CONCERNING THE TIME SAVED
THROUGH THE ALLEGED COPYING**

Pursuant to Federal Rule of Evidence 702, Plaintiffs respectfully move to preclude Defendants' technical expert, Dr. Stephen Wicker, from offering testimony

regarding his opinion that copying the iFS software saved the LenSx developers only 6.7 months, as reflected in ¶ 73-82 of his Rebuttal Report.¹

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AMO Sales and Service, Inc. and
Johnson & Johnson Surgical Vision, Inc.*

¹ Pursuant to D. Del. LR 7.1.1, the parties met and conferred on this matter, including Delaware counsel for both the moving party and opposing party, but no agreement could be reached.

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August 19, 2022

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AMO MANUFACTURING USA,)
LLC, AMO SALES AND SERVICE,)
INC. and JOHNSON & JOHNSON)
SURGICAL VISION, INC.,)
)
Counterclaim Defendants.)

**[PROPOSED] ORDER GRANTING PLAINTIFFS' DAUBERT MOTION
(NO. XX) TO EXCLUDE DR. STEPHEN WICKER'S OPINIONS
CONCERNING THE TIME SAVED THROUGH THE ALLEGED
COPYING**

Before this Court is Plaintiffs' motion to exclude testimony of Dr. Stephen Wicker's regarding time saved through the alleged copying. Having reviewed the

motion and all related briefing, and for good cause shown, the Court concludes that the testimony at issue fails to meet the requirements imposed by Federal Rule of Evidence 702 and should be excluded.

IT IS HEREBY ORDERED that Plaintiff's motion is GRANTED.

IT IS SO ORDERED, this _____ day of _____, 2022.

The Honorable Colm F. Connolly
Chief, United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 19, 2022, upon the following in the manner indicated:

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